

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 16622 (Application 24364)
IRISH BEACH WATER DISTRICT

ORDER OF REVOCATION

SOURCE: Mallo Pass Creek tributary to Pacific Ocean
COUNTY: Mendocino

WHEREAS:

You are hereby notified, pursuant to sections 1410-1410.2 of the California Water Code, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), is revoking Permit 16622 because the Permittee has failed to commence, prosecute with due diligence, and complete the work necessary to appropriate water under the permit, the Water Code, and the State Water Board's regulations. In addition, the Division revokes Permit 16622 because the Permittee has failed to use beneficially all or part of the water for the purpose for which it was appropriated in accordance with the Water Code.

The revocation is based upon the following facts, information and conclusions:

The State Water Board issued Permit 16622 on February 27, 1974. The permit authorizes Irish Beach Water District (Permittee) to divert 0.58 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 380 acre-feet per year (afa). The permit was modified by Order dated February 7, 1989 to allow diversion of 150 gallons per minute, not to exceed 220 afa. The permit requires that construction work be completed by December 1, 1977, and that the water be applied to the authorized use by December 1, 1984.

A. PERMITTEE HAS FAILED TO COMMENCE, PROSECUTE WITH DUE DILIGENCE, AND COMPLETE THE WORK NECESSARY TO APPROPRIATE WATER UNDER THE PERMIT.

1. In the attachment to the May 14, 1984 petition for extension of time, Permittee indicated that project construction had not yet commenced.
2. Permittee requested and on October 12, 1984, the Division granted an extension of time to commence construction or apply the water to full beneficial use. The time extension order required construction to be complete by December 1, 1987, and that water be put to full beneficial use by December 1, 1988.
3. Permittee failed to complete construction of the project by the December 1, 1987 deadline. The Progress Reports by Permittee (progress reports) for 1985 through 1987 state that construction has not commenced.

4. The Division conducted a site inspection on March 17, 1988, and found that work had not yet commenced on the diversion project.
5. Permittee requested and on June 13, 1988, the Division granted an extension of time to commence construction and apply the water to full beneficial use. The time extension order required construction to be complete by December 31, 1995, and that water be put to full beneficial use by December 31, 1997.
6. The progress reports for 1989 through 1998 state that construction has not commenced. The 1998 progress report is the last progress report submitted by the Permittee.
7. The Division conducted a licensing inspection on May 25, 1999, and found that the Permittee had not yet constructed the diversion facility.
8. Permittee requested a ten-year extension of time, by time extension petition dated July 28, 2000. The petition states that no water has been used under this water right permit. The Permittee estimated that construction would begin within "2 to 5 years or more" and water would be fully used in 40 to 50 years.
9. By letter dated October 20, 2004, Division staff requested that Permittee document the basis for approval of a time extension, pursuant to California Code of Regulations, title 23, section 844. Because the Permittee is the lead agency under California Environmental Quality Act (CEQA) and the Division had not seen any documentation to show that the Permittee had completed any necessary CEQA documentation, Division staff also requested the Permittee to identify a date when it will provide the required CEQA documentation for the time extension petition. Division staff advised Permittee that failure to respond within 30 days might result in cancellation of the petition, pursuant to section 1701.4 of the California Water Code. Permittee was further advised that Permit 16622 may be revoked due to non-use if the Permittee is unable to document that it will diligently pursue the project described in the permit.
10. The Permittee responded by letter dated December 21, 2004, stating that there are currently 180 homes in Irish Beach and a total of 460 home sites. Given an assumed growth rate of 10 homes per year, and accounting for a commitment to provide hookups for commercial use, Permittee will be responsible for providing water to the equivalent of 477 homes. Permittee has sufficient water from Irish Creek (a different permitted source) and groundwater to serve 336 homes, which means that Permittee has sufficient water for 15 years. The water to be diverted from Mallo Pass Creek pursuant to Permit 16622 is needed to serve the additional 141 homes at full build-out.
11. The Permittee's December 21, 2004, letter estimated that water use under Permit 16622 would commence in approximately 15 years. The Permittee could not identify when it would provide the Division with the required CEQA documentation.
12. Permittee's time extension petition was not approved. The Division issued an order Denying Petition for Extension of Time on July 20, 2006. In Order WR 2006-0015-EXEC, the State Water Board denied Permittee's petition for reconsideration of the July 20 order. Therefore, the December 31, 1997 deadline to complete application of water to full beneficial use remains in effect.
13. Since the 1998 Progress Report of Permittee, Permittee has not submitted annual Progress Reports, which summarize water use and project status, as required by conditions in the Permit.

B. BASED ON THE ABOVE FACTS AND INFORMATION, THE DIVISION CONCLUDES THAT CAUSE EXISTS FOR THE REVOCATION OF PERMIT 16622 PURSUANT TO WATER CODE SECTION 1410, SUBDIVISION (A) BECAUSE:

Permittee has failed to commence, prosecute with due diligence, and complete the work necessary to appropriate water under Permit 16622 and has failed to apply to beneficial use all or part of the water authorized for appropriation as contemplated in the permit and in accordance with the Water Code and the regulations of the State Water Board.

On September 28, 2007, the Division issued a Notice of Proposed Revocation. Permittee filed a timely request for hearing. A hearing was scheduled for February 26, 2009, but the hearing was cancelled on January 26, 2009 because the Permittee failed to submit a Notice of Intent to Appear at the hearing.

Based on the above facts and conclusions, the State Water Board, Division of Water Rights hereby revokes Permit 16622, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by:

Victoria A. Whitney, Chief
Division of Water Rights

Dated: March 11, 2009

KDMrowka:ds 2/18/2009
U:\PERDRV\KMrowka\24364 Irish Beach Revocation Order.doc

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 2705 Permit 1140 License 467

ORDER (1) APPROVING CHANGE IN THE PLACE OF USE, (2) DELETING A PURPOSE OF USE, (3) REDUCING THE AMOUNT, (4) ADDING ENDANGERED OR THREATENED SPECIES TERM, (5) REVOKING THE ORIGINAL LICENSE, AND (6) DIRECTING ISSUANCE OF SEPARATE LICENSES

WHEREAS:

1. License 467 was issued to C.L. Filigno and was filed with the County Recorder of Humboldt County on February 26, 1926. License 467 was subsequently assigned to Kenneth Smith and Tammy Smith, Paul Bareilles, and Thomas C. Peterson.
2. A request for division of the license and a petition for a change in the place of use have been filed with the State Water Resources Control Board (SWRCB) on May 28, 1989 and said Board has determined that good cause for such division of the license has been shown.
3. The SWRCB has determined that the petitioned change and the division of the license does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The license term for the continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
5. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 467 is hereby revoked upon issuance of Licenses 467A, 467B, and 467C.
2. Separate licenses will be issued as follows:

License 467A

Owner: Kenneth and Tammy Smith

Source: An Unnamed Spring tributary to Unnamed Stream (aka Spring Creek) thence Trinity River, in Humboldt County.

Purpose of Use: Domestic

Amount: 4,500 gallons per day (gpd)

Season: May 1 to September 1 (4,500 gpd)
September 2 to April 30 (400 gpd)

Maximum
Annual
Amount: 2.4 acre-feet (af)

Point of
Diversion: South 2,260 feet and West 65 feet from NW corner of
Section 9, T6N, R5E, HB&M, being within SE of NW of said
Section 9 (California Coordinate System, Zone 1, N 578,000
and E 1,552,150).

Place
of Use: Within the SW of NE of Section 9, T6N, R5E, HB&M (Assessor
Parcel No. 524-201-040).

License 467B

Owner: Paul Bareilles

Source: Unnamed Stream (aka Newell Gulch) tributary to Trinity River
in Humboldt County

Purpose
of Use: Domestic

Amount: 2,250 gpd

Season: May 1 to September 1 (2,250 gpd)
September 2 to April 30 (200 gpd)

Maximum
Annual
Amount: 1.2 af

Point of
Diversion: South 825 feet and East 188 feet from NW corner of Section
9, T6N, R5E, HB&M, being within the NW of NE of said
Section 9 (California Coordinate System, Zone 1, N 579,450
and E 1,552,150).

Place
of Use: Within the NW of NE of Section 9, T6N, R5E, HB&M (Assessor
Parcel No. 524-051-120).

License 467C

Owner: Thomas C. Peterson

Source: Unnamed Stream (aka Newell Gulch) tributary to Trinity River
in Humboldt County

Purpose
of Use: Domestic

Amount: 4,500 gpd

Season: May 1 to September 1 (4,500 gpd)
September 2 to April 30 (400 gpd)

Maximum
Annual
Amount: 2.4 acre-feet (af)

Point of
Diversion: South 825 feet and East 188 feet from NW corner of Section 9, T6N, R5E, HB&M, being within NW of NE of said Section 9 (California Coordinate System, Zone 1, N 579,450 and E 1,552,150).

Place
of Use: Within the NW of NE of Section 9, T6N, R5E, HB&M (Assessor Parcel No. 524-051-100).

3. That Licenses 467A, 467B, and 467C contain all other terms and conditions presently in License 467 or updated versions of License 467 for compliance with State Water Resources Control Board's policy.

4. A continuing authority condition shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

5. The addition of endangered or threaten species term to read as:

This permit does not authorize any act which results in the taking of a

Application 2705 Permit 1140 License 467
Page 4

threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(Endangered or Threatened Species Term)

Dated: **NOVEMBER 13 1998**



Harry M. Schueller, Chief
Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 2705A
Page 1 of 3

PERMIT 1140

LICENSE 467A

THIS IS TO CERTIFY, That

Kenneth Smith and Tammy Smith
P.O. Box 931
Willow Creek, CA 95573

has made proof as of June 20, 1925 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of an Unnamed Spring in Humboldt County

tributary to an Unnamed Stream (AKA Spring Creek) thence Trinity River

for the purpose of Domestic use

under Permit 1140 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from December 27, 1921 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed (a) four thousand five hundred (4,500) gallons per day to be diverted from May 1 to September 1 of each year and (b) four hundred (400) gallons per day from September 2 of each year to April 30 of the succeeding year. The maximum amount diverted under this license shall not exceed 2.4 acre-feet per year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 2,260 feet and West 65 feet from NW $\frac{1}{4}$ corner of Section 9, T6N, R5E, HB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 9.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At residence and grounds within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T6N, R5E, HB&M, as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

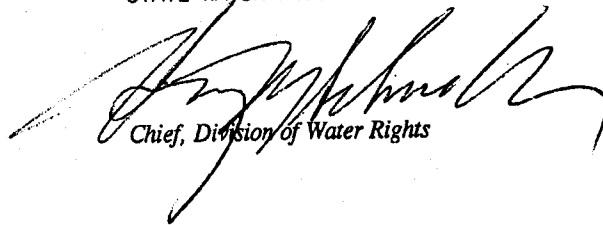
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOVEMBER 13 1998**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 2705B
Page 1 of 3

PERMIT 1140

LICENSE 467B

THIS IS TO CERTIFY, That

Paul Bareilles
P.O. Box 6610
Eureka, CA 95502

has made proof as of June 20, 1925 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of an Unnamed Stream (AKA Newell Gulch) in Humboldt County

tributary to thence Trinity River

for the purpose of Domestic use

under Permit 1140 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from December 27, 1921 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed (a) two thousand two hundred fifty (2,250) gallons per day to be diverted from May 1 to September 1 of each year and (b) four hundred (200) gallons per day from September 2 of each year to April 30 of the succeeding year. The maximum amount diverted under this license shall not exceed 1.2 acre-feet per year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 825 feet and East 188 feet from NW $\frac{1}{4}$ corner of Section 9, T6N, R5E, HB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 9.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At residence and grounds within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T6N, R5E, HB&M, as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

APPLICATION 2705B
Page 3 of 3

PERMIT 1140

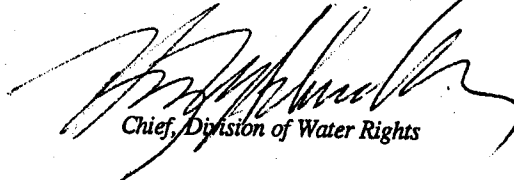
LICENSE 467B

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOVEMBER 13 1998**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

3-22-99 ASGD to Russell and Yvonne Hobbs;



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 2705C
Page 1 of 3

PERMIT 1140

LICENSE 467C

THIS IS TO CERTIFY, That

Thomas C. Peterson
P.O. Box 1585
Willow Creek, CA 95573

has made proof as of June 20, 1925 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of an Unnamed Stream (AKA Newell Gulch) in Humboldt County

tributary to thence Trinity River

for the purpose of Domestic use

under Permit 1140 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms: that the priority of this right dates from December 27, 1921 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed (a) four thousand five hundred (4,500) gallons per day to be diverted from May 1 to September 1 of each year and (b) four hundred (400) gallons per day from September 2 of each year to April 30 of the succeeding year. The maximum amount diverted under this license shall not exceed 2.4 acre-feet per year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 825 feet and East 188 feet from NW $\frac{1}{4}$ corner of Section 9, T6N, R5E, HB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 9 (California Coordinate System, Zone 1, North 579.450 feet and East 1.552.150 feet).

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At residence and grounds (Assessor Parcel No. 524-051-110) within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T6N, R5E, HB&M, as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

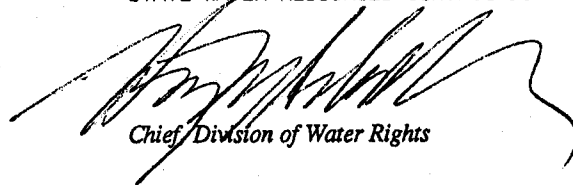
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOVEMBER 13 1998**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 2705

PERMIT 1140

LICENSE 467

ORDER ALLOWING CORRECTION OF DESCRIPTION OF
POINTS OF DIVERSION

Licensee having established to the satisfaction of the Division of Water Resources that the correction of description of points of diversion under Application 2705, Permit 1140, License 467 for which petition was submitted on February 13, 1935, will not operate to the injury of any other legal user of water, the Division of Water Resources so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of points of diversion under said Application 2765, Permit 1140, License 467, to read as follows to-wit:

NEWELL GULCH; - SOUTH EIGHT HUNDRED TWENTY-FIVE (825) FEET AND EAST ONE HUNDRED EIGHTY EIGHT (188) FEET FROM THE NORTH 1/4 CORNER OF SECTION 9, T. 6 N. R. 5 E. H.B. & M., BEING WITHIN THE NW 1/4 OF NE 1/4 OF SAID SECTION 9.

SPRING; - SOUTH TWENTY TWO HUNDRED SIXTY (2260) FEET AND WEST SIXTY FIVE (65) FEET FROM THE NORTH 1/4 CORNER OF SECTION 9, T. 6 N. R 5 E., H.B. & M. BEING WITHIN THE SE 1/4 OF NW 1/4 OF SAID SECTION 9.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 28th day of March, 1935.

EDWARD HYATT, State Engineer.

By Harold Conkling
Deputy



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE NO. 447

PERMIT NO. 1140

APPLICATION NO. 2700

This is to Certify, That **G. L. Filigan of Willow Creek, California**, has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of **(a) Howell Gulch and (b) a spring** in **Humboldt County** tributary of **Trinity River**

for the purpose of **irrigation and domestic use** under Permit No. 1140 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from **December 27, 1921**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **six hundredths (0.06) cubic feet per second total from either or both sources from about May 1st to about September 1st of each season**, and throughout the remainder of the year as required for domestic purposes. Diversions under the license, which are to be directly applied to irrigation use without storage shall not exceed the rate of one cubic foot per second continuous flow to each eighty acres of irrigated land; provided however, that in case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located

(a) South fourteen degrees East (S 14° E), fifteen and one-half (15½) chains from the one-quarter corner common to Sections 4 and 9, T 6 N, R 5 E, N.M., being within the NW¼ of NE¼ of said Section 9;

(b) South thirteen degrees West (S 13° W), twenty-five (25) chains from the said one-quarter corner common to Sections 4 and 9, T 6 N, R 5 E, N.M., being within the NW¼ of NE¼ of said Section 9.

A description of the lands or the place where such water is put to beneficial use is as follows:

domestic use, and the irrigation of **2.75 acres** within the NW¼ of NE¼ of Section 9, T 6 N, R 5 E, N.M.

The right to the diversion and use of the water aforesaid hereby confirmed, and the diversion herein specified and to the lands or place of use herein specified.

**LICENSE
TO APPROPRIATE WATER**

DATED:

e

10/23/57

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24364

PERMIT 16622

LICENSE _____

ORDER TO REVISE CONDITIONS 5 AND 14

WHEREAS:

1. Permit 16622 was issued to Moores Associates, a Partnership on February 27, 1974 pursuant to Application 24364.
2. Permit 16622 was subsequently assigned to Irish Beach Water District.
3. The Permittee has petitioned to delete Permit Condition 14. Condition 14 refers to the minimum water bypass flows for fish in Mallo Pass Creek and is based upon a bilateral agreement between the permittee and the Department of Fish and Game. It requires that a minimum of 10 cubic feet per second or total flow of the stream, whichever ever is less, bypass the point of diversion during the period of November 15 through February 29, and a minimum of 3 cubic feet per second or all of the streamflow, whichever ever is less, be bypassed during the period of March 1 to May 31.

Department of Fish and Game has recently reviewed Permit Condition 14 and now recommends that Condition 5 be amended to read:

The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 150 gallons per minute to be diverted from January 1 to December 31 of each year. The maximum diverted under this permit shall not exceed 220 acre-feet per year. A suitable metering and recording device shall be installed, operated and maintained in good working order by the Irish Beach Water District to assure compliance with the quantity limitations of this permit. Said measuring device shall be installed in-line between the point of diversion and the first storage facility. All recorded information shall be made available to the Board upon request.

and also that Condition 14 be amended to read:

The point of diversion shall remain at the Highway #1 culvert and no dam or other impediment to migration may be installed in the stream at any time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 5 of this permit be amended to read:

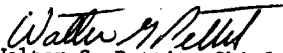
The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 150 gallons per minute to be diverted from January 1 to December 31 of each year. The maximum

diverted under this permit shall not exceed 220 acre-feet per year. A suitable metering and recording device shall be installed, operated and maintained in good working order by the Irish Beach Water District to assure compliance with the quantity limitations of this permit. Said measuring device shall be installed in-line between the point of diversion and the first storage facility. All recorded information shall be made available to the Board upon request.

2. Condition 14 of this permit be amended to read:

The point of diversion shall remain at the Highway #1 culvert and no dam or other impediment to migration may be installed in the stream at any time.

Dated: FEBRUARY 07 1989


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24364

PERMIT 16622

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 16622 was issued to Moores Associates, a Partnership, on February 27, 1974 pursuant to Application 24364.
2. Permit 16622 was subsequently assigned to Moores Associates and Irish Beach Water District.
3. A petition for extension of time within which to develop the project and apply the water to the proposed use.
4. Permit condition 11 pertaining to the continuing authority of the Board needs to be updated to conform to standard permit term 12 as contained in Section 780(a), Title 23, California Code Of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1995 (0000008)

2. Condition 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1997 (0000009)

3. Condition 11 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JUNE 13 1988


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24364

PERMIT 16622

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1987 (0000008)

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1988 (0000009)

3. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against unreasonable water requirements for the authorized project.

No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

OCTOBER 12 1984

Dated:

L. D. Johnson
for Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 16622

Notice of Change (Over)

Application 24364 of MOORES ASSOCIATES, A PARTNERSHIP

C/O W. M. MOORES, STAR ROUTE, MANCHESTER, CALIFORNIA 95459

filed on MAY 4, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

MALLO PASS CREEK

PACIFIC OCEAN

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
NORTH 2,943 FEET AND WEST 2,596 FEET FROM N1/4 CORNER OF SECTION 6, T13N, R16W, MDB&M	SW1/4 OF NW1/4	31	14N	16W	MD

County of MENDOCINO

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
MUNICIPAL	WITHIN THE BOUNDARIES OF THE IRISH BEACH WATER DISTRICT IN	5	13N	16W	MD	
		6	13N	16W	MD	
		1	13N	17W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5/6/74 Partial assignment to Irish Beach Water District

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 0.58 CUBIC FOOT PER SECOND TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 380 ACRE-Feet PER YEAR. (0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE NINE MONTHS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED. (0000007)

8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1977. (0000008)

9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1984. (0000009)

10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

11. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)

12. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

13. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINT OF DIVERSION. (0000012)

14. FOR THE PROTECTION OF FISH, PERMITTEE SHALL DURING THE PERIOD NOVEMBER 15 THROUGH FEBRUARY 29, BYPASS A MINIMUM OF 10 CUBIC FEET PER SECOND OR THE TOTAL FLOW OF THE STREAM, WHICHEVER IS LESS AT THE POINT OF DIVERSION, AND FROM MARCH 1 THROUGH MAY 31 BYPASS A MINIMUM OF 3 CUBIC FEET PER SECOND OR THE TOTAL FLOW OF THE STREAM, WHICHEVER IS LESS AT THE POINT OF DIVERSION. NO WATER SHALL BE DIVERTED UNTIL THE PERMITTEE HAS INSTALLED IN THE STREAM IMMEDIATELY BELOW HIS POINT OF DIVERSION A STAFF GAGE, OR OTHER DEVICE SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, SHOWING THE WATER LEVEL WHICH CORRESPONDS TO FLOWS OF 10 CUBIC FEET PER SECOND AND 3 CUBIC FEET PER SECOND. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. THE PROVISIONS OF THIS PARAGRAPH ARE BASED UPON A BILATERAL AGREEMENT BETWEEN PERMITTEE AND THE DEPARTMENT OF FISH AND GAME AND SHALL NOT BE CONSTRUED AS A FINDING BY THE STATE WATER RESOURCES CONTROL BOARD THAT THE AMOUNT OF WATER NAMED HEREIN IS EITHER ADEQUATE OR REQUIRED FOR THE MAINTENANCE OF FISH. (0140060)



15. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (000999)

16. NO WATER SHALL BE USED UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR THE STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS (UNLESS A WAIVER HAS BEEN ISSUED BY THE REGIONAL BOARD OR THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS AFTER THE REPORT HAS BEEN FILED). THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. (0890101)

17. BEFORE ANY WATER IS DIVERTED UNDER THIS PERMIT, THE DIVERSION WORKS SHALL BE INTEGRATED INTO THE EXISTING IRISH BEACH WATER SUPPLY SYSTEM AND THIS PERMIT SHALL BE ASSIGNED TO AND ACCEPTED BY THE IRISH BEACH COUNTY WATER DISTRICT OR ANY OTHER APPROPRIATE PUBLIC ENTITY. (0000999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEB 27 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights